

From: Branning, Amy  
Sent: Tuesday, September 18, 2018 03:45 PM  
To: Mia, Marcia  
Subject: RE: UEO Kensington Site Visit Follow Up

Marcia:

I won't have time to attend the Apple meeting today. I also want to discuss with Elliott and Matthew marks (acting NSPS leader) first. Here are my thoughts so far:

## Ex. 5 Attorney Client (AC)

## Ex. 5 Attorney Client (AC)

Amy Huang Branning

EPA Office of General Counsel

phone: (202) 564-1744

fax: (202) 564-5603 or (202) 564-0070

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From: Mia, Marcia  
Sent: Tuesday, September 18, 2018 10:15 AM  
To: Branning, Amy <Branning.Amy@epa.gov>  
Subject: FW: UEO Kensington Site Visit Follow Up

Marcia B Mia

Air Branch

Office of Compliance

2227A WJCS

202-564-7042

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From: Marsh, Karen

Sent: Wednesday, September 12, 2018 5:04 PM

To: Sullivan, Tim <Sullivan.Tim@epa.gov>

Cc: Ostrand, Laurie <Ostrand.Laurie@epa.gov>; Wilwerding, Joseph <Wilwerding.Joseph@epa.gov>; Loukeris, Constantinos <loukeris.constantinos@epa.gov>; Portmess, Jessica <Portmess.Jessica@epa.gov>; Mia, Marcia <Mia.Marcia@epa.gov>

Subject: RE: UEO Kensington Site Visit Follow Up

Tim,

## Ex. 5 Attorney Client (AC)

Specifically, NSPS GGG, GGGa, and KKK all have the following language:

NSPS Subpart GGG

§60.592 Standards.

(a) Each owner or operator subject to the provisions of this subpart shall comply with the requirements of §§60.482-1 to 60.482-10 as soon as practicable, but no later than 180 days after initial startup.

NSPS Subpart GGGa

§60.592a Standards.

(a) Each owner or operator subject to the provisions of this subpart shall comply with the requirements of §§60.482-1a to 60.482-10a as soon as practicable, but no later than 180 days after initial startup.

NSPS Subpart KKK

§60.632 Standards.

(a) Each owner or operator subject to the provisions of this subpart shall comply with the requirements of §§60.482-1 (a), (b), and (d) and 60.482-2 through 60.482-10, except

as provided in §60.633, as soon as practicable, but no later than 180 days after initial startup.

Additionally, in the Response to Comments for NSPS KKK we stated "The regulation specifies that the plant be in compliance with the standards within 180 days of initial startup..." (See attached on page 60/122).

**Ex. 5 Attorney Client (AC)**

**Ex. 5 Attorney Client (AC)**

**Ex. 5 Attorney Client (AC)**

Thanks,

Karen

\*\*\*\*\*

Karen R. Marsh, PE

US EPA, OAQPS, Sectors Policies and Programs Division

Fuels and Incineration Group

109 TW Alexander Drive, Mail Code E143-05

Research Triangle Park, NC 27711

Direct: (919) 541-1065; email: marsh.karen@epa.gov

From: Marsh, Karen

Sent: Tuesday, September 11, 2018 3:16 PM

To: Sullivan, Tim <Sullivan.Tim@epa.gov>

Cc: Ostrand, Laurie <Ostrand.Laurie@epa.gov>; Wilwerding, Joseph  
<Wilwerding.Joseph@epa.gov>; Loukeris, Constantinos <loukeris.constantinos@epa.gov>;  
Portmess, Jessica <Portmess.Jessica@epa.gov>; Mia, Marcia <Mia.Marcia@epa.gov>

Subject: RE: UEO Kensington Site Visit Follow Up

Hi Tim,

**Ex. 5 Attorney Client (AC)**

**Ex. 5 Attorney Client (AC)**

my main question is related to the  
language in 60.482-1(a) and 60.482-1a(a).

"Each owner or operator subject to the provisions of this subpart shall demonstrate compliance with the requirements of §§60.482-1a through 60-482-10a or §60.480a(e) for all equipment within 180 days of initial startup."

**Ex. 5 Attorney Client (AC)**

**Ex. 5 Attorney Client (AC)**

**Ex. 5 Attorney Client (AC)**

These aren't my only thoughts but are the only ones I have time to articulate right now.

Karen

\*\*\*\*\*

Karen R. Marsh, PE

US EPA, OAQPS, Sectors Policies and Programs Division

Fuels and Incineration Group

109 TW Alexander Drive, Mail Code E143-05

Research Triangle Park, NC 27711

Direct: (919) 541-1065; email: marsh.karen@epa.gov

From: Sullivan, Tim

Sent: Tuesday, September 11, 2018 1:38 PM

To: Marsh, Karen <Marsh.Karen@epa.gov>

Cc: Ostrand, Laurie <Ostrand.Laurie@epa.gov>; Wilwerding, Joseph <Wilwerding.Joseph@epa.gov>; Loukeris, Constantinos <loukeris.constantinos@epa.gov>; Portmess, Jessica <Portmess.Jessica@epa.gov>; Mia, Marcia <Mia.Marcia@epa.gov>; Sullivan, Tim <Sullivan.Tim@epa.gov>

Subject: RE: UEO Kensington Site Visit Follow Up

Hi, Karen.

Thank you for your response -

**Ex. 5 Attorney Client (AC)**

**Ex. 5 Attorney Client (AC)**

In the 2007 Federal Register Notice promulgating the final Subpart VV amendments and the final Subpart VVa standards, the Agency responded to a comment about the initial monitoring of pumps and valves (see 72 Fed. Reg. 64860, 64869-70 (Nov. 16, 2007)).

**Ex. 5 Attorney Client (AC)**

In addition, the Federal Register notice for final VV amendments and new VVa standards

indicated that the Agency was providing operational flexibility for a new valve placed into service during a skip period in that the operator could either monitor the new valve on a monthly schedule and establish a new skip period for that valve, or the operator could treat that new valve as a leaker and then monitor it during the next skip period or within 90 days, whichever came first.

Ex. 5 Attorney Client (AC)

# Ex. 5 Attorney Client (AC)

Thanks -

Tim

72 Fed. Reg. 64860, 64869-70 (Nov. 16, 2007) (my emphases added)

## 1. Initial Monitoring of Pumps and

### Valves

Comment: Numerous commenters

objected to the proposed clarifications

for the initial monitoring of pumps and

valves that are installed after the startup

of the process unit. Several commenters

stated that the proposed provisions are

significant new requirements and

cannot be finalized without

demonstrating that they represent BDT

and giving the public a chance to

comment on the supporting analyses.

Two commenters indicated that they are

unaware of any SOCFI facilities that

routinely monitor new pumps and

valves within 1 month of startup, and

the supporting documentation for the proposal contains no data from SOCMI sources. Several commenters requested that EPA allow at least 90 or 180 days because complying within 1 month would be burdensome, particularly for facilities that use third party contracting for monitoring; 1 month is not enough time to integrate new equipment into the monitoring program; 40 CFR 60.8 of the General Provisions provides 180 days for performance tests; and EPA has not explicitly stated how monitoring within 1 month will reduce emissions. Two commenters noted that EPA's justification of the requirement for valves is that it is needed to ensure that the valve does not leak until its first quarterly or annual monitoring, but no data were presented to show such leakage occurs or is a problem. The commenters also requested that when establishing the final requirement for initial monitoring of pumps and valves, the timeframe be given in days, not months. In contrast with the above comments, three commenters supported the proposed language or more stringent

requirements. One of these commenters recommended monitoring new pumps within 1 month after installation to minimize the time period for potential leaks. A second commenter recommended that monitoring be required even sooner after installation. This commenter also questioned why a clarification of the requirements for pumps was needed because the preamble to the proposed amendments did not explain how industry currently handles new pumps and why that practice is a problem. This commenter also objected to the second sentence in 40 CFR 60.482-7(a)(2) because it means valves added to a process would not have to be monitored for 2 consecutive months before implementing skip monitoring; which is less stringent than the requirements for valves in an entirely new process.

Response: The language pertaining to the initial monitoring of new pumps and valves was added to the final amendments and new standards to clarify how new equipment should be handled in the existing monitoring



schedule, but these are not new requirements. Under the current rule, pumps are to be monitored monthly whether they are newly installed or installed prior to the process unit becoming an affected source (40 CFR 60.482-2(a)(1)). It is unclear to us how a facility is complying with the requirements for pumps if they are not being monitored monthly. Also under the current rule, all new valves are to be monitored monthly (i.e., base period] until two consecutive monthly readings are found below the applicable leak definition, at which point the valve may be monitored quarterly until a subsequent leak is found (40 CFR 60.482-7(a)). Finding of a subsequent leak reverts the monitoring back to monthly until two consecutive monthly readings below the applicable leak definition is reestablished. The current rule also has an alternative standard for valves at 40 CFR 60.483-2 which allows for longer "skip" periods based on continued performance. Again, we are uncertain that a facility is complying with the requirements for these valves if

they are not monitoring new valves within the first month of operation. However, to provide operational flexibility, we have decided to add an option for newly installed valves in the final amendments and new standards. If a new valve is placed into service during a skip period, the source has the option to either monitor the valve on the monthly schedule and establish the skip period for that valve, or count the valve as a leaker in the percent leaking calculation. If the result of the percent leaking calculation remains below 2.0 percent with the new valve counted as a leaker, the owner or operator must monitor the new valve by the next scheduled skip period or within 90 days, whichever comes first. We have stated the timeframe for these requirements in days instead of months in the final amendments and new standards (30 days for pumps and either 30 or 90 days for valves, depending on whether the owner or operator is complying with the skip monitoring option).

---

Timothy J. Sullivan  
Air Enforcement Division  
Office of Civil Enforcement

Office of Enforcement and Compliance Assurance  
U.S. Environmental Protection Agency  
1595 Wynkoop Street (MC 8MSU)  
Denver, Colorado 80202

Phone: 303.312.6196 | Email: [sullivan.tim@epa.gov](mailto:sullivan.tim@epa.gov)

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<http://www.epa.gov/compliance/complaints/index.html>

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From: Marsh, Karen  
Sent: Tuesday, September 11, 2018 9:00 AM  
To: Sullivan, Tim <[Sullivan.Tim@epa.gov](mailto:Sullivan.Tim@epa.gov)>  
Subject: RE: UEO Kensington Site Visit Follow Up

Hi Tim,

Apologies for not getting back to you yesterday.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

**Ex. 5 Attorney Client (AC)**

Karen

\*\*\*\*\*

Karen R. Marsh, PE

US EPA, OAQPS, Sectors Policies and Programs Division

Fuels and Incineration Group

109 TW Alexander Drive, Mail Code E143-05

Research Triangle Park, NC 27711

Direct: (919) 541-1065; email: marsh.karen@epa.gov

From: Sullivan, Tim

Sent: Monday, September 10, 2018 7:06 PM

To: Marsh, Karen <Marsh.Karen@epa.gov>

Cc: Sullivan, Tim <Sullivan.Tim@epa.gov>

Subject: RE: UEO Kensington Site Visit Follow Up

Hi, Karen.

**Ex. 5 Attorney Client (AC)**

**Ex. 5 Attorney Client (AC)**

Thanks -

Tim

---

Timothy J. Sullivan

Air Enforcement Division

Office of Civil Enforcement

Office of Enforcement and Compliance Assurance

U.S. Environmental Protection Agency

1595 Wynkoop Street (MC 8MSU)

Denver, Colorado 80202

Phone: 303.312.6196 | Email: sullivan.tim@epa.gov

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From: Lischinsky, Robert  
Sent: Monday, September 10, 2018 11:13 AM  
To: Chapman, Apple <Chapman.Apple@epa.gov>  
Cc: Mia, Marcia <Mia.Marcia@epa.gov>  
Subject: FW: UEO Kensington Site Visit Follow Up

FYI...As you know, Marcia is out this week.

From: Marsh, Karen  
Sent: Friday, September 07, 2018 3:48 PM  
To: Mia, Marcia <Mia.Marcia@epa.gov>; Branning, Amy <Branning.Amy@epa.gov>  
Cc: Lischinsky, Robert <Lischinsky.Robert@epa.gov>  
Subject: RE: UEO Kensington Site Visit Follow Up

Marcia,

I've not been able to fully focus on this like I hoped today. I did want to let you know I spoke with Steve Fruh about this today

Ex. 5 Deliberative Process (DP)

## Ex. 5 Deliberative Process (DP)

Thanks,

Karen

\*\*\*\*\*

Karen R. Marsh, PE

US EPA, OAQPS, Sectors Policies and Programs Division

Fuels and Incineration Group

109 TW Alexander Drive, Mail Code E143-05

Research Triangle Park, NC 27711

Direct: (919) 541-1065; email: marsh.karen@epa.gov

From: Mia, Marcia

Sent: Thursday, September 06, 2018 4:06 PM

To: Marsh, Karen <Marsh.Karen@epa.gov>; Branning, Amy <Branning.Amy@epa.gov>

Cc: Lischinsky, Robert <Lischinsky.Robert@epa.gov>

Subject: RE: UEO Kensington Site Visit Follow Up

Wonderful news.

I am out after tomorrow. Would you pls cc Rob Lischinsky in my absence. Thanks.

Marcia B Mia

Air Branch

Office of Compliance

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U.S. Environmental Protection Agency

202-564-7042

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From: Marsh, Karen

Sent: Thursday, September 06, 2018 3:05 PM

To: Mia, Marcia <Mia.Marcia@epa.gov>; Branning, Amy <Branning.Amy@epa.gov>

Subject: RE: UEO Kensington Site Visit Follow Up

Thanks Marcia. I will get something over tomorrow on this if possible.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

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Karen R. Marsh, PE

US EPA, OAQPS, Sectors Policies and Programs Division

Fuels and Incineration Group

109 TW Alexander Drive, Mail Code E143-05

Research Triangle Park, NC 27711

Direct: (919) 541-1065; email: marsh.karen@epa.gov

From: Mia, Marcia

Sent: Wednesday, September 05, 2018 5:31 PM

To: Marsh, Karen <Marsh.Karen@epa.gov>; Branning, Amy <Branning.Amy@epa.gov>

Subject: RE: UEO Kensington Site Visit Follow Up

**Ex. 5 Attorney Client (AC)**

**Ex. 5 Attorney Client (AC)**

**Ex. 5 Attorney Client (AC)**

# **Ex. 5 Attorney Client (AC)**

# **Ex. 5 Attorney Client (AC)**



# Ex. 5 Attorney Client (AC)

# Ex. 5 Attorney Client (AC)

# Ex. 5 Attorney Client (AC)

**Ex. 5 Attorney Client (AC)** Specifically, as highlighted above, in the final rule adopting Subpart VVa and

amending Subpart VV, the EPA stated:

The language pertaining to the initial monitoring of new pumps and valves was added to the final amendments and new standards to clarify how new equipment should be

handled in the existing monitoring schedule, but these are not new requirements. Under the current rule [Subpart VV], pumps are to be monitored monthly whether they are newly installed or installed prior to the process unit becoming an affected source (40 CFR

60.482-2(a)(1)).

72 Fed. Reg. at 64870.

Additionally, in the 2006 notice proposing Subpart VVa requirements and revisions to Subpart VV, the

EPA stated:

We are proposing several clarifications to the standards for pumps in light liquid service

(40 CFR 60.482-2). The current provisions are unclear regarding when a new pump on an affected process unit must be monitored for the first time, especially if the new pump is added to the process unit between monitoring cycles. We are proposing to revise 40 CFR 60.482-2(a)(1) to specify that a new pump must be monitored for the first time during the next regularly scheduled monitoring cycle for existing pumps.

71 Fed. Reg. at 65307.

Marcia B Mia

Air Branch

Office of Compliance

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U.S. Environmental Protection Agency

202-564-7042

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From: Marsh, Karen

Sent: Wednesday, September 05, 2018 3:47 PM

To: Mia, Marcia <Mia.Marcia@epa.gov>; Branning, Amy <Branning.Amy@epa.gov>

Subject: RE: UEO Kensington Site Visit Follow Up

Ex. 5 Deliberative Process (DP)

I should have time tomorrow to pull this together.

\*\*\*\*\*

Karen R. Marsh, PE

US EPA, OAQPS, Sectors Policies and Programs Division

Fuels and Incineration Group

109 TW Alexander Drive, Mail Code E143-05

Research Triangle Park, NC 27711

Direct: (919) 541-1065; email: marsh.karen@epa.gov

From: Mia, Marcia

Sent: Wednesday, September 05, 2018 3:46 PM

To: Marsh, Karen <Marsh.Karen@epa.gov>; Branning, Amy <Branning.Amy@epa.gov>

Subject: RE: UEO Kensington Site Visit Follow Up

Hi Karen, we are starting to put our briefing together.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Have you had time to pull your records together and begin annotating the draft? Timeframe? Thanks.

Marcia B Mia

Air Branch

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ED\_004016\_00079690-00019

From: Marsh, Karen  
Sent: Tuesday, September 04, 2018 11:21 AM  
To: Mia, Marcia <Mia.Marcia@epa.gov>; Branning, Amy <Branning.Amy@epa.gov>  
Subject: RE: UEO Kensington Site Visit Follow Up

## Ex. 5 Attorney Client (AC)

\*\*\*\*\*

Karen R. Marsh, PE

US EPA, OAQPS, Sectors Policies and Programs Division

Fuels and Incineration Group

109 TW Alexander Drive, Mail Code E143-05

Research Triangle Park, NC 27711

Direct: (919) 541-1065; email: marsh.karen@epa.gov

From: Mia, Marcia  
Sent: Tuesday, September 04, 2018 11:00 AM  
To: Marsh, Karen <Marsh.Karen@epa.gov>; Branning, Amy <Branning.Amy@epa.gov>  
Subject: FW: UEO Kensington Site Visit Follow Up  
Importance: High

Hi folks,

## Ex. 5 Attorney Client (AC)

## Ex. 5 Attorney Client (AC)

Marcia B Mia

Air Branch

Office of Compliance

2227A WJCS

U.S. Environmental Protection Agency

202-564-7042

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From: Chapman, Apple  
Sent: Tuesday, September 04, 2018 9:19 AM  
To: Mia, Marcia <Mia.Marcia@epa.gov>  
Cc: Fried, Gregory <Fried.Gregory@epa.gov>  
Subject: FW: UEO Kensington Site Visit Follow Up

Marcia,

**Ex. 5 Attorney Client (AC)**

I know you have looked into this. Is there anything already written we can use to reply?

Ms. Apple Chapman |Deputy Director, Air Enforcement Division | U.S. Environmental Protection Agency

1200 Pennsylvania Ave. NW, Washington DC, 20004 |202-564-5666 (office)|202-841-6076 (mobile)|

From: Kelley, Rosemarie  
Sent: Tuesday, September 04, 2018 9:13 AM  
To: Chapman, Apple <Chapman.Apple@epa.gov>; Fried, Gregory <Fried.Gregory@epa.gov>  
Cc: Brooks, Phillip <Brooks.Phillip@epa.gov>  
Subject: FW: UEO Kensington Site Visit Follow Up

Rosemarie

mber 04, 2018 8:56 AM

To: Traylor, Patrick <traylor.patrick@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Brooks, Phillip <Brooks.Phillip@epa.gov>  
Cc: Shiffman, Cari <Shiffman.Cari@epa.gov>; Branning, Hannah <Branning.Hannah@epa.gov>  
Subject: FW: UEO Kensington Site Visit Follow Up

## Ex. 5 Attorney Client (AC)

From: Stepp, Cathy

Sent: Tuesday, September 4, 2018 8:51 AM

To: Bodine, Susan <bodine.susan@epa.gov>; Wehrum, Bill <Wehrum.Bill@epa.gov>

Cc: Wehrum, Bill <Wehrum.Bill@epa.gov>; Thiede, Kurt <thiede.kurt@epa.gov>; Payne, James <payne.james@epa.gov>

Subject: Fwd: UEO Kensington Site Visit Follow Up

Good morning Bill and Susan! I am forwarding this to you both to look for some guidance. Is it possible for me to hear something from you both sometime next week on this? This is a common concern I am hearing in the region... Thanks so much!

Sent from my iPhone

Begin forwarded message:

From: Jim Roberts <j.roberts@momentummidstream.com>

Date: August 31, 2018 at 12:10:03 PM CDT

To: "Stepp.cathy@Epa.gov" <Stepp.cathy@Epa.gov>

Cc: "Thiede.kurt@Epa.gov" <Thiede.kurt@Epa.gov>, "Craig.Butler@epa.ohio.gov" <Craig.Butler@epa.ohio.gov>, "Bob.Hodanbosi@epa.state.oh.us" <Bob.Hodanbosi@epa.state.oh.us>, Mark Hay <m.hay@momentummidstream.com>, Christopher Bender <c.bender@momentummidstream.com>

Subject: UEO Kensington Site Visit Follow Up

Hello Cathy:

It was surely a pleasure meeting you on August 23 at our Kensington Plant and we very much appreciate your interest in our industry and also appreciated you taking the time to discuss some of our concerns. Attached is a letter (hard copy to follow via mail) that will hopefully illustrate the concern we have with one specific finding of violation (FOV) allegation from Region V EPA for our Harrison Hub Plant.

We hope to see you again soon as you are always welcome to visit our other plants and facilities. We would especially like to show you around the Harrison Hub Plant as it is by far our largest facility.

Please do not hesitate to contact me if you or your staff would like to discuss the attached letter further and thanks again for listening.

Sincerely,

Jim Roberts

VP Environmental, Health, and Safety

600 Travis, Suite 5600

Houston, TX 77002

O: 713-243-3039

F: 713-783-3035

C: 970-769-1955

[j.roberts@momentummidstream.com](mailto:j.roberts@momentummidstream.com)